IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 733 OF 2006
IN
Summons for Judgment No. 83 of 2006
IN
SUMMARY SUIT NO. 3388 OF 2005

M/s. MEGA PACKS .. APPELLANT.

V/s.

BASF India Limited .. Respondent.

Mr. P.L.Bhujbal for the Appellant.

Mr.Gaurav Joshi i/by M/s.Negandhi, Shah & Nimayatullah for the Respondent.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 17TH OCTOBER, 2006.

P.C.:

. The impugned order is by consent.

2. The learned counsel for the Appellant submits that though the order records that by consent of the parties, the summons for judgment is disposed of in terms set out therein, yet according to him the consent was only with regard to clause (i) of the order. According to him there was no consent by the Appellant to clause (ii).

3. If that be so, the Appellant must make an

appropriate application before the learned single Judge. We find no justification in entertaining the Appeal arising from the order passed by consent.

4. Appeal is dismissed accordingly.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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